

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

_____)	
UNITED STATES OF AMERICA)	
Plaintiff,)	
)	Civil Action No: _____
v.)	
)	
GTA CO., INC.)	
Defendant.)	
_____)	

COMPLAINT

JURISDICTION

1. Jurisdiction of this action is conferred on the Court by 28 U.S.C. §1345.

PARTIES

2. Plaintiff is the United States of America, acting through the U.S. Department of the Treasury's Bureau of the Fiscal Service (hereinafter "Treasury"). The debt was referred to Treasury in accordance with the Debt Collection Improvement Act of 1996 ("DCIA")(31 U.S.C. §3701 *et seq.*).
3. Defendant, GTA Co, Inc. is a Massachusetts corporation having a principal place of business at 140 Tremont Street, Everett, Massachusetts 02149.

COUNT I

4. On or about December 7, 2018, the U.S. Department of Labor- Occupational Safety and Health Administration's Andover, MA office conducted an inspection of the Defendant's job site located at West Wyoming Street, Melrose, Massachusetts.¹

¹ The facts stated herein are taken from the Findings of Fact made by Carol A. Baumerich of the Occupational Safety and Health Review Commission in an Order Dismissing Respondent's Late Notice of Contest, OSHRC Docket No. 19-0469 dated November 25, 2019 attached hereto as Exhibit A.

5. On or about January 11, 2019, OSHA issued a two-item serious citation and a one-item willful citation, and a notification of penalty (citation). The total proposed penalty was \$68,290.00.
6. The Defendant received the citation on January 15, 2019 but did not file a timely notice of contest nor did the Defendant make a timely penalty payment.
7. The Defendant mailed and faxed a late notice of contest letter dated March 19, 2019.
8. The Secretary of Labor filed a Motion to dismiss the Defendant's late notice of contest and after considering the Secretary's Motion and the Defendant's opposition thereto, a judge of the Occupational Safety and Health Review Commission dismissed the Defendant's late notice of contest on November 25, 2019. A copy of the Order Dismissing Respondent's Late Notice of Contest (the "Order") is attached hereto as **Exhibit A** and incorporated herein by this reference.
9. On or about January 7, 2020, the U.S. Department of Labor Office of the Solicitor informed counsel for the Defendant of the Order and instructed the Defendant to pay the \$56,908.00 penalty no later than February 7, 2020. A copy of the letter is attached hereto as **Exhibit B** and incorporated herein by this reference.
10. As of June 17, 2020, the Defendant is indebted to the United States in the amount of \$77,970.37 calculated as follows:

Principal:	\$56,908.00
Interest (at 2%)	\$454.74
Penalty (at 6%)	\$795.15
Admin fees:	\$20.00
Treasury & DOJ Fees:	\$19,792.48

Total: \$77,970.37

As set forth in the Certificate of Indebtedness attached hereto as **Exhibit C** and incorporated herein by this reference.

11. The Defendant has failed to pay the aforesaid sums although demand has been duly made.

WHEREFORE the United States demands judgment against the Defendant for \$77,970.37, plus interest from June 17, 2020, and for such other and further relief as this Court deems fair and reasonable.

The United States of America
By its attorneys²:

/s/ John O. Postl

John O. Postl, BBO# 567729

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Dated: June 27, 2022

² Schuerger Law Group is under contract to the United States Department of Justice under the Department's private counsel program for collection of certain accounts.